

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 11

May 1, 2013


SUBJECT: BOOKING EVIDENCE AND NON-EVIDENCE - GENERAL -
REVISED; AND DEPARTMENT GUN BUYBACK PROGRAM -
ESTABLISHED

PURPOSE: In an effort to increase the number of firearms recovered during Department gun buyback programs, current protocol has been revised to authorize persons relinquishing firearms at gun buyback programs to remain anonymous. This Order revises Department Manual Section 4/510.10, *Booking Evidence and Non-Evidence - General*, and establishes Section 4/540.45, *Department Gun Buyback Program*.

PROCEDURE: Attached is the revised Manual Section 4/510.10, *Booking Evidence and Non-Evidence - General*, with the revisions indicated in italics, and the newly established Manual Section 4/540.45, *Department Gun Buyback Program*.

AMENDMENT: This Order amends Section 4/510.10 and adds Section 4/540.45 to the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Internal Audits and Inspections Division, will review this directive and determine whether an audit or inspection will be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

Attachments

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510.10. BOOKING EVIDENCE AND NON-EVIDENCE – GENERAL. The employee seizing or taking custody of evidence *must* ensure it is properly booked without unnecessary delay.

All property which is to be booked *must* be inventoried and listed on the Property Report, Form 10.01.00. The employee seizing or taking custody of a closed container *must* open the container prior to booking and conduct an inventory search if its contents cannot be determined from examining its exterior. Evidence may only be booked by a sworn employee, a Police Service Representative in the course of his/her official duties, a detention officer assigned to Jail Division, or a civilian employee conducting specialized investigative work. Responsibility for booking evidence may be assumed by the detective or the civilian investigative specialist at the scene.

Employees *will* book only the quantities of evidence necessary for case prosecution. In instances when the rightful ownership of property can be readily determined, and case prosecution will not be jeopardized, the property *will* be returned to the owner. When appropriate, employees *will* utilize photographs in lieu of actual evidence.

Note: If there is a question as to whether or not photographs will suffice in lieu of actual evidence items, the booking employee should seek the advice of a supervisor or the concerned detective.

Non-evidence *will* not be booked into a Department storage facility unless circumstances necessitate booking of the property.

The employee seizing or taking custody of property *must* issue a Receipt for Property Taken into Custody, Form 10.10.00 (duplicate copy), to the person relieved of the property (Manual Sections 4/645.20 and 4/510.10). The **original** Form 10.10.00 *must* be included as a page of the original Property Report, Form 10.01.00; Release from Custody (RFC) Report Continuation, Form 05.02.08; or Arrest Report, Form 05.02.00, when evidence to be booked is listed.

Exception: *The issuance of a Receipt for Property Taken into Custody is not required for firearms recovered during an authorized gun buyback program.*

It is not necessary to issue the Form 10.10.00 for blood and urine samples or biological smear specimens taken from an arrestee or the victim of a crime, nor is it necessary to include these items on a Form 10.10.00 used to list other property taken from an arrestee or victim.

Evidence and non-evidence *must* not be stored in the personal possession of any employee, except certain forgery-related evidence (Manual Section 4/570.20).

One copy of the Property Report, Form 10.01.00, or Release from Custody Report Continuation, Form 05.02.08; or Arrest Report face sheet, Form 05.02.00, *will* accompany the property when booked.

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Exception: Two copies *will* accompany narcotics or firearm bookings. When the finding of non-evidence is reported and the finder refuses to relinquish custody of the property to the Department, the interviewing employee *will* complete a Property Report, Form 10.01.00, and make a notation on the report that the property is in the possession of the finder.

Note: The assigned detectives (Manual Section 4/790.) *will* ensure that the finder has complied with laws governing found property (Civil Code 1020.1, 2080.3; Penal Code 177 and 485).

The employee booking property *will*, if circumstances permit, check identifiable property against the Automated Property System and provide information regarding any reported stolen property in the reports. The booking employee *will* notify each detective division handling a case involving the booked property by completing the "Extra Copy To" portion of the reports to ensure notification and report distribution to each detective division.

Note: When an employee recovers property from an area containing more than one person (i.e., cell, holding tank, etc.), the employee *will* ensure that the detective division responsible for each arrestee is notified using the above-referenced procedure.

Investigative officers within the booking employee's Area should confer with any other entity handling a case involving the booked property to determine responsibility for disposition of the property.

Note: Booking employees *must* continue to check all firearms against the Automated Firearms System (Manual Section 4/540.30) and attach a copy of the printout to the appropriate report.

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540.45. DEPARTMENT GUN BUYBACK PROGRAM.

Processing Request. When an individual or organization requests to sponsor a gun buyback program with the Department, the Department employee receiving the request must notify his/her supervisor.

Supervisor's Responsibilities. The supervisor will submit an Employee's Report, Form 15.07.00, to his/her commanding officer (CO) and include the following information:

- Name of the requesting individual and/or organization;
- Name and telephone number of the contact person;
- Individual and/or company address;
- Type of compensation offered (e.g., monies, sporting event tickets, concert tickets, food vouchers, gift cards, etc.);
- Total amount of compensation available;
- Tentative date(s) of the gun buyback program; and
- Intent of the participants.

Commanding Officer's Responsibilities. Commanding officers will submit an Intradepartmental Correspondence, Form 15.02.00, to the CO, Gang and Narcotics Division (GND). The Intradepartmental Correspondence must include a copy of the supervisor's Employee's Report as an attachment. The CO will document any additional information, including any conflict of interest issues, and provide a recommendation as to the feasibility of the proposed program.

Gang and Narcotics Division's Responsibilities. The CO, GND, will review the request and forward it with a recommendation for approval or disapproval, via the Chief of Detectives, to the Chief of Police (COP). The COP will approve or disapprove the request. The CO, GND, will prepare a response notifying the requestor and the affected CO of the decision rendered by the COP. The correspondence to the requestor must include an explanation of the Department's gun buyback procedures.

Approval to Conduct Program. After the COP has approved the request, the Area CO will ensure that his/her command adheres to the protocol set forth in this Manual Section. The Area CO will notify the CO, Property Division, of the date and time of the gun buyback program.

Protocol for Gun Buyback Programs. California Penal Code Section 12078(a)(6) provides an exemption for local, state, or federal government agencies to conduct a gun buyback program without a firearm dealer's license.

Area Gun Buyback Coordinator. The Area CO will designate a supervisor within his/her command as the Area Gun Buyback Coordinator to facilitate and regulate the gun buyback program. The responsibilities of the Area Gun Buyback Coordinator will be an ancillary duty.

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Firearm Examiner. *The Area Gun Buyback Coordinator will designate an officer as the Firearm Examiner to inspect and render all firearms as unloaded and safe, prior to processing. This officer must have a background or familiarity with most firearms and be a certified Handgun Instructor who has completed the Department's Handgun Instructor Training School.*

Note: *The Gun Unit, GND, will provide technical assistance to Area(s) participating in a gun buyback program.*

Gun Buyback Location. *The primary selection criteria for the gun buyback program location must be security and safety. The surrounding area should be monitored for potential criminal activity and the facility should have adequate space with a separate entrance and exit. Accessibility to the public and adequate restroom facilities are to be considered when selecting a location. In addition, a space should be allocated to exhibit a select number of firearms for media coverage.*

Note: *As required by the Gun-Free School Zone Act of 1995, gun buyback locations must be a minimum of 1,000 feet away from any school.*

Resources. *Sufficient Department personnel must be allocated to ensure security both inside and outside the gun buyback location. A minimum of ten sworn officers will be deployed at each program location. The following items must be available at the firearm processing area:*

- *Clearing barrel;*
- *Vehicle (preferably a van);*
- *Plastic or nylon cable ties of appropriate length to secure actions of firearms;*
- *Masking tape and transparent tape;*
- *Gloves;*
- *Evidence Tag, Form 10.12.00;*
- *Handgun Evidence Envelope, Form 10.20.00;*
- *Property Report, Form 10.01.00;*
- *Firearms Supplemental Property Report, Form 10.01.01;*
- *Continuation Sheet for Firearms Supplemental Property Report, Form 10.01.02;*
- *Receipt for Property Taken into Custody, Form 10.10.00;*
- *Pencils and pencil sharpeners;*
- *Plastic boxes for miscellaneous ammunition and magazines; and,*
- *Tape measure and/or ruler to measure barrel length.*

Media Coverage. *The Media Relations Section, Media Relations and Community Affairs Group, must be given advance notification to allow sufficient time to inform the public.*

Compensation for Firearms. *Organizations or individuals wishing to sponsor a gun buyback program will be required to furnish the Department with verification of available compensation prior to the establishment of a gun buyback program. Sponsors providing monetary contributions or other compensation to the public for the forfeiture of firearms will maintain control of the compensation and will have sole responsibility for its disbursement.*

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Relinquishment of Firearms. *When practical, persons relinquishing firearms in a gun buyback program, including those who wish to remain anonymous, will be instructed to unload the firearm and secure it in the trunk of his/her vehicle or in a locked container prior to transporting it. Upon arrival at the gun buyback location, the person relinquishing the firearm will be advised in person to leave the firearm in his/her vehicle or in the locked container and notify police personnel that they wish to relinquish the firearm.*

The Firearm Examiner will accompany the program participant to his/her vehicle or locked container, render the firearm safe, and direct the individual surrendering the firearm to the compensation processing area. The Firearm Examiner will carry the firearm to the firearm processing area for booking.

Note: *Only Department employees will handle and book firearms.*

Reports and Booking of Property.

Firearm Processing Procedure. *An officer will complete one Property Report, Form 10.01.00, for each gun buyback program event, regardless of the number of firearms surrendered during that event. The officer will obtain one evidence Division of Records (DR) Number for the Property Report. Each firearm will be checked through the Automated Firearms System prior to booking the weapon.*

*The issuance of a Receipt for Property Taken into Custody, Form 10.10.00, is **not** required for firearms recovered during an authorized gun buyback program.*

Unfamiliar, Exotic, or Complex Firearms. *If an individual relinquishes a firearm that is unfamiliar to the Firearm Examiner, the following procedures must be followed:*

- *Contact the Firearms Analysis Unit, Scientific Investigation Division, during regular business hours on weekdays; or,*
- *During non-business hours or weekends, contact Real-Time Analysis and Critical Response Division and request that the on-call firearms expert be contacted.*

Gun Buyback Results. *The Area CO, upon completion of a gun buyback program event, will prepare an Intradepartmental Correspondence and forward the report to the CO, GND. The Intradepartmental Correspondence must contain pertinent information regarding the gun buyback program, including the amount and types of firearms surrendered as a result of that event. The report will be kept on file at GND.*

Retention and Destruction of Firearms. *Any firearm taken into police custody in conjunction with a gun buyback program will be destroyed or retained for official Department use in accordance with existing Department procedures, unless the firearm is stolen. If the firearm is stolen, it must be booked in accordance with Manual Section 4/540.30, Booking Firearms. If retained, it must be processed in accordance with Manual Section 4/580.20 – 580.40, regarding convertible property.*